



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0423

Introduced 2/16/2005, by Sen. Todd Sieben

SYNOPSIS AS INTRODUCED:

20 ILCS 690/2	from Ch. 5, par. 2252
20 ILCS 690/3	from Ch. 5, par. 2253
20 ILCS 690/4	from Ch. 5, par. 2254
20 ILCS 690/5	from Ch. 5, par. 2255
20 ILCS 3501/801-5	
20 ILCS 3501/801-10	
20 ILCS 3501/845-75	
20 ILCS 3501/845-80	
20 ILCS 3501/845-85	
20 ILCS 3501/890-90	
20 ILCS 3501/Art. 830 rep.	
20 ILCS 3605/12.1	from Ch. 5, par. 1212.1
20 ILCS 3605/12.2	from Ch. 5, par. 1212.2
20 ILCS 3605/12.4	from Ch. 5, par. 1212.4
20 ILCS 3605/12.5	
20 ILCS 3610/3	from Ch. 5, par. 1253
20 ILCS 3610/4	from Ch. 5, par. 1254
30 ILCS 750/8-3	from Ch. 127, par. 2708-3
510 ILCS 77/17	
525 ILCS 15/4	from Ch. 96 1/2, par. 9104
525 ILCS 15/6a	from Ch. 96 1/2, par. 9106a

Reinstates the Illinois Farm Development Act repealed by Public Act 93-205, which created the Illinois Finance Authority Act. Amends the Illinois Finance Authority Act, the Rural Diversification Act, the Emergency Farm Credit Allocation Act, the Build Illinois Act, the Livestock Management Facilities Act, and the Illinois Forestry Development Act to effect the reinstatement. Amends the Illinois Farm Development Act. Provides that to be eligible for certain State guarantees, a farmer must be a principal operator of a farm or land, at least 30% (instead of 50%) of whose annual income is derived from farming and whose debt to asset ratio shall not exceed the maximum limit established by the Illinois Farm Development Authority (instead of "shall not be less than 40%"). Provides that State guarantees under certain programs shall not exceed \$1,000,000 (instead of \$500,000). Provides that the collateral acceptable to the Authority must be at least equal to the gross loan amount (instead of "at least equal to the State's portion of the Guarantee to be provided"). Deletes a provision that to be eligible for State guarantees, a farmer's net worth may not exceed \$500,000. Deletes a provision stating that a lender may not withdraw a State guarantee if the loan contract provides for an interest rate that may vary. Changes the name of the "Young Farmer Loan Guarantee Program" to the "Illinois Farmer Loan Guarantee Program". Makes other changes. Effective immediately.

LRB094 10491 RSP 40762 b

FISCAL NOTE ACT
MAY APPLY

STATE DEBT
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rural Diversification Act is amended by
5 changing Sections 2, 3, 4, and 5 as follows:

6 (20 ILCS 690/2) (from Ch. 5, par. 2252)

7 Sec. 2. Findings and declaration of policy. The General
8 Assembly hereby finds, determines and declares:

9 (a) That Illinois is a state of diversified economic
10 strength and that an important economic strength in Illinois is
11 derived from rural business production and the agribusiness
12 industry;

13 (b) That the Illinois rural economy is in a state of
14 transition, which presents a unique opportunity for the State
15 to act on its growth and development;

16 (c) That full and continued growth and development of
17 Illinois' rural economy, especially in the small towns and farm
18 communities, is vital for Illinois;

19 (d) That by encouraging the development of diversified
20 rural business and agricultural production, nonproduction and
21 processing activities in Illinois, the State creates a
22 beneficial climate for new and improved job opportunities for
23 its citizens and expands jobs and job training opportunities;

24 (e) That in order to cultivate strong rural economic growth
25 and development in Illinois, it is necessary to proceed with a
26 plan which encourages Illinois rural businesses and
27 agribusinesses to expand business employment opportunities
28 through diversification of business and industries, offers
29 managerial, technical and financial assistance to or on behalf
30 of rural businesses and agribusiness, and works in a
31 cooperative venture and spirit with Illinois' business, labor,
32 local government, educational and scientific communities;

1 (f) That dedication of State resources over a multi-year
2 period targeted to promoting the growth and development of one
3 or more classes of diversified rural products, particularly new
4 agricultural products, is an effective use of State funds;

5 (g) That the United States Congress, having identified
6 similar needs and purposes has enacted legislation creating the
7 United States Department of Agriculture/Farmers Home
8 Administration Non-profit National Finance Corporations Loan
9 and Grant Program and made funding available to the states
10 consistent with the purposes of this Act.

11 (h) That the Illinois General Assembly has enacted "Rural
12 Revival" and a series of "Harvest the Heartland" initiatives
13 which create within the Illinois Farm Development Finance
14 Authority a "Seed Capital Fund" to provide venture capital for
15 emerging new agribusinesses, and to help coordinate
16 cooperative research and development on new agriculture
17 technologies in conjunction with the Agricultural Research and
18 Development Consortium in Peoria, the United State Department
19 of Agriculture Northern Regional Research Laboratory in
20 Peoria, the institutions of higher learning in Illinois, and
21 the agribusiness community of this State, identify the need for
22 enhanced efforts by the State to promote the use of fuels
23 utilizing ethanol made from Illinois grain, and promote
24 forestry development in this State; and

25 (i) That there is a need to coordinate the many programs
26 offered by the State of Illinois Departments of Agriculture,
27 Commerce and Economic Opportunity ~~Community Affairs~~, and
28 Natural Resources, and the Illinois Farm Development Finance
29 Authority that are targeted to agriculture and the rural
30 community with those offered by the federal government.
31 Therefore it is desirable that the fullest measure of
32 coordination and integration of the programs offered by the
33 various state agencies and the federal government be achieved.

34 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

1 Sec. 3. Definitions. The following words and phrases shall
2 have the meaning ascribed to each of them in this Section
3 unless the context clearly indicates otherwise:

4 (a) "Office" means the Office of Rural Community
5 Development within the Illinois Department of Commerce and
6 Economic Opportunity ~~Community Affairs~~.

7 (b) "Rural business" means a business, including a
8 cooperative, proprietorship, partnership, corporation or other
9 entity, that is located in a municipality of 20,000 population
10 or less, or in an unincorporated area of a county with a
11 population of less than 350,000, but not in a municipality
12 which is contiguous to a municipality or municipalities with a
13 population greater than 20,000. The business must also be
14 engaged in manufacturing, mining, agriculture, wholesale,
15 transportation, tourism, or utilities or in research and
16 development or services to these basic industrial sectors.

17 (c) "Agribusiness", for purpose of this Act, means a rural
18 business that is defined as an agribusiness pursuant to
19 subsection (i) of Section 2 of the Illinois Farm Development
20 ~~Finance~~ Authority Act.

21 (d) "Rural diversification project" means financing to a
22 rural business for a specific activity undertaken to promote:
23 (i) the improvement and expansion of business and industry in
24 rural areas; (ii) creation of entrepreneurial and
25 self-employment businesses; (iii) industry or region wide
26 research directed to profit oriented uses of rural resources,
27 and (iv) value added agricultural supply, production
28 processing or reprocessing facilities or operations and shall
29 include but not be limited to agricultural diversification
30 projects.

31 (e) "Financing" means direct loans at market or below
32 market rate interest, grants, technical assistance contracts,
33 or other means whereby monetary assistance is provided to or on
34 behalf of rural business or agribusinesses for purposes of
35 rural diversification.

36 (f) "Agricultural diversification project" means financing

1 awarded to a rural business for a specific activity undertaken
2 to promote diversification of the farm economy of this State
3 through (i) profit oriented nonproduction uses of Illinois land
4 resources, (ii) growth and development of new crops or
5 livestock not customarily grown or produced in this State, or
6 (iii) developments which emphasize a vertical integration of
7 grain or livestock produced or raised in this State into a
8 finished product for consumption or use. "New crops or
9 livestock not customarily grown or produced in this State" does
10 not include corn, soybeans, wheat, swine, or beef or dairy
11 cattle. "Vertical integration of grain or livestock produced or
12 raised in this State" includes any new or existing grain or
13 livestock grown or produced in this State.

14 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

15 (20 ILCS 690/4) (from Ch. 5, par. 2254)

16 Sec. 4. Powers of the Office. The Office has the following
17 powers, in addition to those granted to it by other law:

18 (a) To provide financing pursuant to the provisions of this
19 Act, from appropriations made by the General Assembly from the
20 General Revenue Fund, Federal trust funds, and the Rural
21 Diversification Revolving Fund created herein, to or on behalf
22 of rural business and agribusiness to promote rural
23 diversification.

24 (b) To provide financing in the form of direct loans and
25 grants from State funds for qualifying agricultural and rural
26 diversification projects independent of federal financial
27 participation, except that no grants from State funds shall be
28 made directly with a rural business.

29 (c) To provide financing in the form of direct loans,
30 grants, and technical assistance contracts from State funds for
31 qualifying agricultural and rural diversification projects in
32 coordination with federal financial participation in the form
33 of loan guarantees, direct loans, and grant and technical
34 assistance contract reimbursements.

35 (d) To consider in the award of State funded financing the

1 satisfaction of matching requirements associated with federal
2 financing participation and the maximization of federal
3 financing participation to the benefit of the rural Illinois
4 economy.

5 (e) To enter into agreements or contracts, accept funds or
6 grants, and cooperate with agencies of the Federal Government,
7 State or Local Governments, the private sector or non-profit
8 organizations to carry out the purposes of this Act;

9 (f) To enter into agreements or contracts for the
10 promotion, application origination, analysis or servicing of
11 the financings made by the Office pursuant to this Act;

12 (g) To receive and accept, from any source, aid or
13 contributions of money, property or labor for the furtherance
14 of this Act and collect fees, charges or advances as the
15 Department may determine in connection with its financing;

16 (h) To establish application, notification, contract and
17 other procedures and other procedures and rules deemed
18 necessary and appropriate by the Office to carry out the
19 provisions of this Act;

20 (i) To foreclose any mortgage, deed of trust, note,
21 debenture, bond or other security interest held by the Office
22 and to take all such actions as may be necessary to enforce any
23 obligation held by the Office;

24 (j) To analyze opportunities and needs of rural
25 communities, primarily those communities experiencing farm
26 worker distress including consultation with regional
27 commissions, governments, or diversification organizations,
28 and work to strengthen the coordination of existing programs
29 offered through the Office, the Department of Agriculture, the
30 Department of Natural Resources, the Illinois Farm Development
31 ~~Finance~~ Authority, the Cooperative Extension Service and
32 others for rural and agribusiness development and assistance;
33 and

34 (k) To cooperate with an existing committee comprised of
35 representatives from the Office, the Rural Affairs Council or
36 its successor, the Department of Agriculture, the Illinois Farm

1 Development ~~Finance~~ Authority and others to coordinate
2 departmental policies with other State agencies and to promote
3 agricultural and rural diversification in the State.

4 (1) To exercise such other right, powers and duties as are
5 necessary to fulfill the purposes of this Act.

6 (Source: P.A. 93-205, eff. 1-1-04.)

7 (20 ILCS 690/5) (from Ch. 5, par. 2255)

8 Sec. 5. Agricultural and rural diversification financing.

9 (a) The Office's financing to or on behalf of rural
10 businesses or agribusinesses in the State shall be for the
11 purpose of assisting in the cost of agricultural and rural
12 diversification projects including (i) acquisition,
13 construction, reconstruction, replacement, repair,
14 rehabilitation, alteration, expansion or extension of real
15 property, buildings or machinery and equipment but not the
16 acquisition of unimproved land for the production of crops or
17 livestock; (ii) working capital items including but not limited
18 to, inventory, accounts receivable and prepaid expenses; (iii)
19 organizational expenses including, but not limited to,
20 architectural and engineering costs, legal services, marketing
21 analyses, production analyses, or other professional services;
22 (iv) needed leasehold improvements, easements, and other
23 amenities required to prepare a site; (v) information,
24 technical support and technical assistance contracts to local
25 officials or not-for-profit agencies regarding private, state
26 and federal resources, programs or grant assistances and the
27 needs and opportunities for diversification; and (vi) when
28 conducted in cooperation with federal reimbursement programs,
29 financing costs including guarantee fees, packaging fees and
30 origination fees but not debt refinancing.

31 (b) Agricultural or rural diversification financing to a
32 rural business or agribusiness under this Act shall be used
33 only where it can be shown that the agricultural or rural
34 diversification project for which financing is being sought has
35 the potential to achieve commercial success and will increase

1 employment, directly or indirectly retain jobs, or promote
2 local diversification.

3 (c) The Office shall establish an internal review committee
4 with the Director of the Rural Affairs Council, or his
5 designee, the Director of the Department of Agriculture, or his
6 designee, and the Director of the Illinois Farm Development
7 ~~Finance~~ Authority, or his designee, as members to assist in the
8 review of all project applications.

9 (d) The Office shall not provide financing to a rural
10 business or agribusiness unless the application includes
11 convincing evidence that a specific agricultural or rural
12 diversification project is ready to occur and will only occur
13 if the financing is made. The Office shall also consider the
14 applicability of other state and federal programs prior to
15 financing any project.

16 (Source: P.A. 93-205, eff. 1-1-04.)

17 Section 10. The Illinois Finance Authority Act is amended
18 by changing Sections 801-5, 801-10, 845-75, 845-80, 845-85, and
19 890-90 as follows:

20 (20 ILCS 3501/801-5)

21 Sec. 801-5. Findings and declaration of policy. The General
22 Assembly hereby finds, determines and declares:

23 (a) that there are a number of existing State authorities
24 authorized to issue bonds to alleviate the conditions and
25 promote the objectives set forth below; and to provide a
26 stronger, better coordinated development effort, it is
27 determined to be in the interest of promoting the health,
28 safety, morals and general welfare of all the people of the
29 State to consolidate certain of such existing authorities into
30 one finance authority;

31 (b) that involuntary unemployment affects the health,
32 safety, morals and general welfare of the people of the State
33 of Illinois;

34 (c) that the economic burdens resulting from involuntary

1 unemployment fall in part upon the State in the form of public
2 assistance and reduced tax revenues, and in the event the
3 unemployed worker and his family migrate elsewhere to find
4 work, may also fall upon the municipalities and other taxing
5 districts within the areas of unemployment in the form of
6 reduced tax revenues, thereby endangering their financial
7 ability to support necessary governmental services for their
8 remaining inhabitants;

9 (d) that a vigorous growing economy is the basic source of
10 job opportunities;

11 (e) that protection against involuntary unemployment, its
12 economic burdens and the spread of economic stagnation can best
13 be provided by promoting, attracting, stimulating and
14 revitalizing industry, manufacturing and commerce in the
15 State;

16 (f) that the State has a responsibility to help create a
17 favorable climate for new and improved job opportunities for
18 its citizens by encouraging the development of commercial
19 businesses and industrial and manufacturing plants within the
20 State;

21 (g) that increased availability of funds for construction
22 of new facilities and the expansion and improvement of existing
23 facilities for industrial, commercial and manufacturing
24 facilities will provide for new and continued employment in the
25 construction industry and alleviate the burden of
26 unemployment;

27 (h) that in the absence of direct governmental subsidies
28 the unaided operations of private enterprise do not provide
29 sufficient resources for residential construction,
30 rehabilitation, rental or purchase, and that support from
31 housing related commercial facilities is one means of
32 stimulating residential construction, rehabilitation, rental
33 and purchase;

34 (i) that it is in the public interest and the policy of
35 this State to foster and promote by all reasonable means the
36 provision of adequate capital markets and facilities for

1 borrowing money by units of local government, and for the
2 financing of their respective public improvements and other
3 governmental purposes within the State from proceeds of bonds
4 or notes issued by those governmental units; and to assist
5 local governmental units in fulfilling their needs for those
6 purposes by use of creation of indebtedness;

7 (j) that it is in the public interest and the policy of
8 this State to the extent possible, to reduce the costs of
9 indebtedness to taxpayers and residents of this State and to
10 encourage continued investor interest in the purchase of bonds
11 or notes of governmental units as sound and preferred
12 securities for investment; and to encourage governmental units
13 to continue their independent undertakings of public
14 improvements and other governmental purposes and the financing
15 thereof, and to assist them in those activities by making funds
16 available at reduced interest costs for orderly financing of
17 those purposes, especially during periods of restricted credit
18 or money supply, and particularly for those governmental units
19 not otherwise able to borrow for those purposes;

20 (k) (blank); ~~that in this State the following conditions~~
21 ~~exist: (i) an inadequate supply of funds at interest rates~~
22 ~~sufficiently low to enable persons engaged in agriculture in~~
23 ~~this State to pursue agricultural operations at present levels;~~
24 ~~(ii) that such inability to pursue agricultural operations~~
25 ~~lessens the supply of agricultural commodities available to~~
26 ~~fulfill the needs of the citizens of this State; (iii) that~~
27 ~~such inability to continue operations decreases available~~
28 ~~employment in the agricultural sector of the State and results~~
29 ~~in unemployment and its attendant problems; (iv) that such~~
30 ~~conditions prevent the acquisition of an adequate capital stock~~
31 ~~of farm equipment and machinery, much of which is manufactured~~
32 ~~in this State, therefore impairing the productivity of~~
33 ~~agricultural land and, further, causing unemployment or lack of~~
34 ~~appropriate increase in employment in such manufacturing; (v)~~
35 ~~that such conditions are conducive to consolidation of acreage~~
36 ~~of agricultural land with fewer individuals living and farming~~

1 ~~on the traditional family farm; (vi) that these conditions~~
2 ~~result in a loss in population, unemployment and movement of~~
3 ~~persons from rural to urban areas accompanied by added costs to~~
4 ~~communities for creation of new public facilities and services;~~
5 ~~(vii) that there have been recurrent shortages of funds for~~
6 ~~agricultural purposes from private market sources at~~
7 ~~reasonable rates of interest; (viii) that these shortages have~~
8 ~~made the sale and purchase of agricultural land to family~~
9 ~~farmers a virtual impossibility in many parts of the State;~~
10 ~~(ix) that the ordinary operations of private enterprise have~~
11 ~~not in the past corrected these conditions; and (x) that a~~
12 ~~stable supply of adequate funds for agricultural financing is~~
13 ~~required to encourage family farmers in an orderly and~~
14 ~~sustained manner and to reduce the problems described above;~~

15 (l) that for the benefit of the people of the State of
16 Illinois, the conduct and increase of their commerce, the
17 protection and enhancement of their welfare, the development of
18 continued prosperity and the improvement of their health and
19 living conditions it is essential that all the people of the
20 State be given the fullest opportunity to learn and to develop
21 their intellectual and mental capacities and skills; that to
22 achieve these ends it is of the utmost importance that private
23 institutions of higher education within the State be provided
24 with appropriate additional means to assist the people of the
25 State in achieving the required levels of learning and
26 development of their intellectual and mental capacities and
27 skills and that cultural institutions within the State be
28 provided with appropriate additional means to expand the
29 services and resources which they offer for the cultural,
30 intellectual, scientific, educational and artistic enrichment
31 of the people of the State;

32 (m) that in order to foster civic and neighborhood pride,
33 citizens require access to facilities such as educational
34 institutions, recreation, parks and open spaces, entertainment
35 and sports, a reliable transportation network, cultural
36 facilities and theaters and other facilities as authorized by

1 this Act, and that it is in the best interests of the State to
2 lower the costs of all such facilities by providing financing
3 through the State; and

4 (n) that to preserve and protect the health of the citizens
5 of the State, and lower the costs of health care, that
6 financing for health facilities should be provided through the
7 State; and it is hereby declared to be the policy of the State,
8 in the interest of promoting the health, safety, morals and
9 general welfare of all the people of the State, to address the
10 conditions noted above, to increase job opportunities and to
11 retain existing jobs in the State, by making available through
12 the Illinois Finance Authority, hereinafter created, funds for
13 the development, improvement and creation of industrial,
14 housing, local government, educational, health, public purpose
15 and other projects; to issue its bonds and notes to make funds
16 at reduced rates and on more favorable terms for borrowing by
17 local governmental units through the purchase of the bonds or
18 notes of the governmental units; ~~and to make or acquire loans~~
19 ~~for the acquisition and development of agricultural~~
20 ~~facilities;~~ to provide financing for private institutions of
21 higher education, cultural institutions, health facilities and
22 other facilities and projects as authorized by this Act; and to
23 grant broad powers to the Illinois Finance Authority to
24 accomplish and to carry out these policies of the State which
25 are in the public interest of the State and of its taxpayers
26 and residents.

27 (Source: P.A. 93-205, eff. 1-1-04.)

28 (20 ILCS 3501/801-10)

29 Sec. 801-10. Definitions. The following terms, whenever
30 used or referred to in this Act, shall have the following
31 meanings, except in such instances where the context may
32 clearly indicate otherwise:

33 (a) The term "Authority" means the Illinois Finance
34 Authority created by this Act.

35 (b) The term "project" means an industrial project, housing

1 project, public purpose project, higher education project,
2 health facility project, and cultural institution project,
3 ~~agricultural facility or agribusiness,~~ and "project" may
4 include any combination of one or more of the foregoing
5 undertaken jointly by any person with one or more other
6 persons, but "project" shall not include any facility used or
7 to be used for sectarian instruction or as a place of religious
8 worship nor any facility which is used or to be used primarily
9 in connection with any part of the program of a school or
10 department of divinity for any religious denomination or the
11 training of ministers, priests, rabbis or other professional
12 persons in the field of religion.

13 (c) The term "public purpose project" means any project or
14 facility including without limitation land, buildings,
15 structures, machinery, equipment and all other real and
16 personal property, which is authorized or required by law to be
17 acquired, constructed, improved, rehabilitated, reconstructed,
18 replaced or maintained by any unit of government or any other
19 lawful public purpose which is authorized or required by law to
20 be undertaken by any unit of government.

21 (d) The term "industrial project" means the acquisition,
22 construction, refurbishment, creation, development or
23 redevelopment of any facility, equipment, machinery, real
24 property or personal property for use by any instrumentality of
25 the State or its political subdivisions, for use by any person
26 or institution, public or private, for profit or not for
27 profit, or for use in any trade or business including, but not
28 limited to, any industrial, manufacturing or commercial
29 enterprise and which is (1) a capital project including but not
30 limited to: (i) land and any rights therein, one or more
31 buildings, structures or other improvements, machinery and
32 equipment, whether now existing or hereafter acquired, and
33 whether or not located on the same site or sites; (ii) all
34 appurtenances and facilities incidental to the foregoing,
35 including, but not limited to utilities, access roads, railroad
36 sidings, track, docking and similar facilities, parking

1 facilities, dockage, wharfage, railroad roadbed, track,
2 trestle, depot, terminal, switching and signaling or related
3 equipment, site preparation and landscaping; and (iii) all
4 non-capital costs and expenses relating thereto or (2) any
5 addition to, renovation, rehabilitation or improvement of a
6 capital project or (3) any activity or undertaking which the
7 Authority determines will aid, assist or encourage economic
8 growth, development or redevelopment within the State or any
9 area thereof, will promote the expansion, retention or
10 diversification of employment opportunities within the State
11 or any area thereof or will aid in stabilizing or developing
12 any industry or economic sector of the State economy. The term
13 "industrial project" also means the production of motion
14 pictures.

15 (e) The term "bond" or "bonds" shall include bonds, notes
16 (including bond, grant or revenue anticipation notes),
17 certificates and/or other evidences of indebtedness
18 representing an obligation to pay money, including refunding
19 bonds.

20 (f) The terms "lease agreement" and "loan agreement" shall
21 mean: (i) an agreement whereby a project acquired by the
22 Authority by purchase, gift or lease is leased to any person,
23 corporation or unit of local government which will use or cause
24 the project to be used as a project as heretofore defined upon
25 terms providing for lease rental payments at least sufficient
26 to pay when due all principal of, interest and premium, if any,
27 on any bonds of the Authority issued with respect to such
28 project, providing for the maintenance, insuring and operation
29 of the project on terms satisfactory to the Authority,
30 providing for disposition of the project upon termination of
31 the lease term, including purchase options or abandonment of
32 the premises, and such other terms as may be deemed desirable
33 by the Authority, or (ii) any agreement pursuant to which the
34 Authority agrees to loan the proceeds of its bonds issued with
35 respect to a project or other funds of the Authority to any
36 person which will use or cause the project to be used as a

1 project as heretofore defined upon terms providing for loan
2 repayment installments at least sufficient to pay when due all
3 principal of, interest and premium, if any, on any bonds of the
4 Authority, if any, issued with respect to the project, and
5 providing for maintenance, insurance and other matters as may
6 be deemed desirable by the Authority.

7 (g) The term "financial aid" means the expenditure of
8 Authority funds or funds provided by the Authority through the
9 issuance of its bonds, notes or other evidences of indebtedness
10 or from other sources for the development, construction,
11 acquisition or improvement of a project.

12 (h) The term "person" means an individual, corporation,
13 unit of government, business trust, estate, trust, partnership
14 or association, 2 or more persons having a joint or common
15 interest, or any other legal entity.

16 (i) The term "unit of government" means the federal
17 government, the State or unit of local government, a school
18 district, or any agency or instrumentality, office, officer,
19 department, division, bureau, commission, college or
20 university thereof.

21 (j) The term "health facility" means: (a) any public or
22 private institution, place, building, or agency required to be
23 licensed under the Hospital Licensing Act; (b) any public or
24 private institution, place, building, or agency required to be
25 licensed under the Nursing Home Care Act; (c) any public or
26 licensed private hospital as defined in the Mental Health and
27 Developmental Disabilities Code; (d) any such facility
28 exempted from such licensure when the Director of Public Health
29 attests that such exempted facility meets the statutory
30 definition of a facility subject to licensure; (e) any other
31 public or private health service institution, place, building,
32 or agency which the Director of Public Health attests is
33 subject to certification by the Secretary, U.S. Department of
34 Health and Human Services under the Social Security Act, as now
35 or hereafter amended, or which the Director of Public Health
36 attests is subject to standard-setting by a recognized public

1 or voluntary accrediting or standard-setting agency; (f) any
2 public or private institution, place, building or agency
3 engaged in providing one or more supporting services to a
4 health facility; (g) any public or private institution, place,
5 building or agency engaged in providing training in the healing
6 arts, including but not limited to schools of medicine,
7 dentistry, osteopathy, optometry, podiatry, pharmacy or
8 nursing, schools for the training of x-ray, laboratory or other
9 health care technicians and schools for the training of
10 para-professionals in the health care field; (h) any public or
11 private congregate, life or extended care or elderly housing
12 facility or any public or private home for the aged or infirm,
13 including, without limitation, any Facility as defined in the
14 Life Care Facilities Act; (i) any public or private mental,
15 emotional or physical rehabilitation facility or any public or
16 private educational, counseling, or rehabilitation facility or
17 home, for those persons with a developmental disability, those
18 who are physically ill or disabled, the emotionally disturbed,
19 those persons with a mental illness or persons with learning or
20 similar disabilities or problems; (j) any public or private
21 alcohol, drug or substance abuse diagnosis, counseling
22 treatment or rehabilitation facility, (k) any public or private
23 institution, place, building or agency licensed by the
24 Department of Children and Family Services or which is not so
25 licensed but which the Director of Children and Family Services
26 attests provides child care, child welfare or other services of
27 the type provided by facilities subject to such licensure; (l)
28 any public or private adoption agency or facility; and (m) any
29 public or private blood bank or blood center. "Health facility"
30 also means a public or private structure or structures suitable
31 primarily for use as a laboratory, laundry, nurses or interns
32 residence or other housing or hotel facility used in whole or
33 in part for staff, employees or students and their families,
34 patients or relatives of patients admitted for treatment or
35 care in a health facility, or persons conducting business with
36 a health facility, physician's facility, surgicenter,

1 administration building, research facility, maintenance,
2 storage or utility facility and all structures or facilities
3 related to any of the foregoing or required or useful for the
4 operation of a health facility, including parking or other
5 facilities or other supporting service structures required or
6 useful for the orderly conduct of such health facility.

7 (k) The term "participating health institution" means a
8 private corporation or association or public entity of this
9 State, authorized by the laws of this State to provide or
10 operate a health facility as defined in this Act and which,
11 pursuant to the provisions of this Act, undertakes the
12 financing, construction or acquisition of a project or
13 undertakes the refunding or refinancing of obligations, loans,
14 indebtedness or advances as provided in this Act.

15 (l) The term "health facility project", means a specific
16 health facility work or improvement to be financed or
17 refinanced (including without limitation through reimbursement
18 of prior expenditures), acquired, constructed, enlarged,
19 remodeled, renovated, improved, furnished, or equipped, with
20 funds provided in whole or in part hereunder, any accounts
21 receivable, working capital, liability or insurance cost or
22 operating expense financing or refinancing program of a health
23 facility with or involving funds provided in whole or in part
24 hereunder, or any combination thereof.

25 (m) The term "bond resolution" means the resolution or
26 resolutions authorizing the issuance of, or providing terms and
27 conditions related to, bonds issued under this Act and
28 includes, where appropriate, any trust agreement, trust
29 indenture, indenture of mortgage or deed of trust providing
30 terms and conditions for such bonds.

31 (n) The term "property" means any real, personal or mixed
32 property, whether tangible or intangible, or any interest
33 therein, including, without limitation, any real estate,
34 leasehold interests, appurtenances, buildings, easements,
35 equipment, furnishings, furniture, improvements, machinery,
36 rights of way, structures, accounts, contract rights or any

1 interest therein.

2 (o) The term "revenues" means, with respect to any project,
3 the rents, fees, charges, interest, principal repayments,
4 collections and other income or profit derived therefrom.

5 (p) The term "higher education project" means, in the case
6 of a private institution of higher education, an educational
7 facility to be acquired, constructed, enlarged, remodeled,
8 renovated, improved, furnished, or equipped, or any
9 combination thereof.

10 (q) The term "cultural institution project" means, in the
11 case of a cultural institution, a cultural facility to be
12 acquired, constructed, enlarged, remodeled, renovated,
13 improved, furnished, or equipped, or any combination thereof.

14 (r) The term "educational facility" means any property
15 located within the State constructed or acquired before or
16 after the effective date of this Act, which is or will be, in
17 whole or in part, suitable for the instruction, feeding,
18 recreation or housing of students, the conducting of research
19 or other work of a private institution of higher education, the
20 use by a private institution of higher education in connection
21 with any educational, research or related or incidental
22 activities then being or to be conducted by it, or any
23 combination of the foregoing, including, without limitation,
24 any such property suitable for use as or in connection with any
25 one or more of the following: an academic facility,
26 administrative facility, agricultural facility, assembly hall,
27 athletic facility, auditorium, boating facility, campus,
28 communication facility, computer facility, continuing
29 education facility, classroom, dining hall, dormitory,
30 exhibition hall, fire fighting facility, fire prevention
31 facility, food service and preparation facility, gymnasium,
32 greenhouse, health care facility, hospital, housing,
33 instructional facility, laboratory, library, maintenance
34 facility, medical facility, museum, offices, parking area,
35 physical education facility, recreational facility, research
36 facility, stadium, storage facility, student union, study

1 facility, theatre or utility. An educational facility shall not
2 include any property used or to be used for sectarian
3 instruction or study or as a place for devotional activities or
4 religious worship nor any property which is used or to be used
5 primarily in connection with any part of the program of a
6 school or department of divinity for any religious
7 denomination.

8 (s) The term "cultural facility" means any property located
9 within the State constructed or acquired before or after the
10 effective date of this Act, which is or will be, in whole or in
11 part, suitable for the particular purposes or needs of a
12 cultural institution, including, without limitation, any such
13 property suitable for use as or in connection with any one or
14 more of the following: an administrative facility, aquarium,
15 assembly hall, auditorium, botanical garden, exhibition hall,
16 gallery, greenhouse, library, museum, scientific laboratory,
17 theater or zoological facility, and shall also include, without
18 limitation, books, works of art or music, animal, plant or
19 aquatic life or other items for display, exhibition or
20 performance. The term "cultural facility" includes buildings
21 on the National Register of Historic Places which are owned or
22 operated by nonprofit entities. A cultural facility shall not
23 include any property used or to be used for sectarian
24 instruction or study or as a place for devotional activities or
25 religious worship nor any property which is used or to be used
26 primarily in connection with any part of the program of a
27 school or department of divinity for any religious
28 denomination.

29 (t) "Private institution of higher education" means a
30 not-for-profit educational institution which is not owned by
31 the State or any political subdivision, agency,
32 instrumentality, district or municipality thereof, which is
33 authorized by law to provide a program of education beyond the
34 high school level and which:

35 (1) Admits as regular students only individuals having
36 a certificate of graduation from a high school, or the

1 recognized equivalent of such a certificate;

2 (2) Provides an educational program for which it awards
3 a bachelor's degree, or provides an educational program,
4 admission into which is conditioned upon the prior
5 attainment of a bachelor's degree or its equivalent, for
6 which it awards a postgraduate degree, or provides not less
7 than a 2-year program which is acceptable for full credit
8 toward such a degree, or offers a 2-year program in
9 engineering, mathematics, or the physical or biological
10 sciences which is designed to prepare the student to work
11 as a technician and at a semiprofessional level in
12 engineering, scientific, or other technological fields
13 which require the understanding and application of basic
14 engineering, scientific, or mathematical principles or
15 knowledge;

16 (3) Is accredited by a nationally recognized
17 accrediting agency or association or, if not so accredited,
18 is an institution whose credits are accepted, on transfer,
19 by not less than 3 institutions which are so accredited,
20 for credit on the same basis as if transferred from an
21 institution so accredited, and holds an unrevoked
22 certificate of approval under the Private College Act from
23 the Board of Higher Education, or is qualified as a "degree
24 granting institution" under the Academic Degree Act; and

25 (4) Does not discriminate in the admission of students
26 on the basis of race, color or creed. "Private institution
27 of higher education" also includes any "academic
28 institution".

29 (u) The term "academic institution" means any
30 not-for-profit institution which is not owned by the State or
31 any political subdivision, agency, instrumentality, district
32 or municipality thereof, which institution engages in, or
33 facilitates academic, scientific, educational or professional
34 research or learning in a field or fields of study taught at a
35 private institution of higher education. Academic institutions
36 include, without limitation, libraries, archives, academic,

1 scientific, educational or professional societies,
2 institutions, associations or foundations having such
3 purposes. Academic institution does not include any school or
4 any institution primarily engaged in religious or sectarian
5 activities.

6 (v) The term "cultural institution" means any
7 not-for-profit institution which is not owned by the State or
8 any political subdivision, agency, instrumentality, district
9 or municipality thereof, which institution engages in the
10 cultural, intellectual, scientific, educational or artistic
11 enrichment of the people of the State. Cultural institutions
12 include, without limitation, aquaria, botanical societies,
13 historical societies, libraries, museums, performing arts
14 associations or societies, scientific societies and zoological
15 societies. Cultural institution does not include any
16 institution primarily engaged in religious or sectarian
17 activities.

18 (w) (Blank). ~~The term "affiliate" means, with respect to~~
19 ~~financing of an agricultural facility or an agribusiness, any~~
20 ~~lender, any person, firm or corporation controlled by, or under~~
21 ~~common control with, such lender, and any person, firm or~~
22 ~~corporation controlling such lender.~~

23 (x) (Blank). ~~The term "agricultural facility" means land,~~
24 ~~any building or other improvement thereon or thereto, and any~~
25 ~~personal properties deemed necessary or suitable for use,~~
26 ~~whether or not now in existence, in farming, ranching, the~~
27 ~~production of agricultural commodities (including, without~~
28 ~~limitation, the products of aquaculture, hydroponics and~~
29 ~~silviculture) or the treating, processing or storing of such~~
30 ~~agricultural commodities when such activities are customarily~~
31 ~~engaged in by farmers as a part of farming.~~

32 (y) (Blank). ~~The term "lender" with respect to financing of~~
33 ~~an agricultural facility or an agribusiness, means any federal~~
34 ~~or State chartered bank, Federal Land Bank, Production Credit~~
35 ~~Association, Bank for Cooperatives, federal or State chartered~~
36 ~~savings and loan association or building and loan association,~~

1 ~~Small Business Investment Company or any other institution~~
2 ~~qualified within this State to originate and service loans,~~
3 ~~including, but without limitation to, insurance companies,~~
4 ~~credit unions and mortgage loan companies. "Lender" also means~~
5 ~~a wholly owned subsidiary of a manufacturer, seller or~~
6 ~~distributor of goods or services that makes loans to businesses~~
7 ~~or individuals, commonly known as a "captive finance company".~~

8 (z) ~~(Blank). The term "agribusiness" means any sole~~
9 ~~proprietorship, limited partnership, co partnership, joint~~
10 ~~venture, corporation or cooperative which operates or will~~
11 ~~operate a facility located within the State of Illinois that is~~
12 ~~related to the processing of agricultural commodities~~
13 ~~(including, without limitation, the products of aquaculture,~~
14 ~~hydroponics and silviculture) or the manufacturing, production~~
15 ~~or construction of agricultural buildings, structures,~~
16 ~~equipment, implements, and supplies, or any other facilities or~~
17 ~~processes used in agricultural production. Agribusiness~~
18 ~~includes but is not limited to the following:~~

19 ~~(1) grain handling and processing, including grain~~
20 ~~storage, drying, treatment, conditioning, mailing and~~
21 ~~packaging;~~

22 ~~(2) seed and feed grain development and processing;~~

23 ~~(3) fruit and vegetable processing, including~~
24 ~~preparation, canning and packaging;~~

25 ~~(4) processing of livestock and livestock products,~~
26 ~~dairy products, poultry and poultry products, fish or~~
27 ~~apiarian products, including slaughter, shearing,~~
28 ~~collecting, preparation, canning and packaging;~~

29 ~~(5) fertilizer and agricultural chemical~~
30 ~~manufacturing, processing, application and supplying;~~

31 ~~(6) farm machinery, equipment and implement~~
32 ~~manufacturing and supplying;~~

33 ~~(7) manufacturing and supplying of agricultural~~
34 ~~commodity processing machinery and equipment, including~~
35 ~~machinery and equipment used in slaughter, treatment,~~
36 ~~handling, collecting, preparation, canning or packaging of~~

1 ~~agricultural commodities;~~

2 ~~(8) farm building and farm structure manufacturing,~~
3 ~~construction and supplying;~~

4 ~~(9) construction, manufacturing, implementation,~~
5 ~~supplying or servicing of irrigation, drainage and soil and~~
6 ~~water conservation devices or equipment;~~

7 ~~(10) fuel processing and development facilities that~~
8 ~~produce fuel from agricultural commodities or byproducts;~~

9 ~~(11) facilities and equipment for processing and~~
10 ~~packaging agricultural commodities specifically for~~
11 ~~export;~~

12 ~~(12) facilities and equipment for forestry product~~
13 ~~processing and supplying, including sawmilling operations,~~
14 ~~wood chip operations, timber harvesting operations, and~~
15 ~~manufacturing of prefabricated buildings, paper, furniture~~
16 ~~or other goods from forestry products;~~

17 ~~(13) facilities and equipment for research and~~
18 ~~development of products, processes and equipment for the~~
19 ~~production, processing, preparation or packaging of~~
20 ~~agricultural commodities and byproducts.~~

21 (aa) (Blank). ~~The term "asset" with respect to financing of~~
22 ~~any agricultural facility or any agribusiness, means, but is~~
23 ~~not limited to the following: cash crops or feed on hand;~~
24 ~~livestock held for sale; breeding stock; marketable bonds and~~
25 ~~securities; securities not readily marketable; accounts~~
26 ~~receivable; notes receivable; cash invested in growing crops;~~
27 ~~net cash value of life insurance; machinery and equipment; cars~~
28 ~~and trucks; farm and other real estate including life estates~~
29 ~~and personal residence; value of beneficial interests in~~
30 ~~trusts; government payments or grants; and any other assets.~~

31 (bb) (Blank). ~~The term "liability" with respect to~~
32 ~~financing of any agricultural facility or any agribusiness~~
33 ~~shall include, but not be limited to the following: accounts~~
34 ~~payable; notes or other indebtedness owed to any source; taxes;~~
35 ~~rent; amounts owed on real estate contracts or real estate~~
36 ~~mortgages; judgments; accrued interest payable; and any other~~

1 ~~liability.~~

2 (cc) The term "Predecessor Authorities" means those
3 authorities as described in Section 845-75.

4 (dd) The term "housing project" means a specific work or
5 improvement undertaken to provide residential dwelling
6 accommodations, including the acquisition, construction or
7 rehabilitation of lands, buildings and community facilities
8 and in connection therewith to provide nonhousing facilities
9 which are part of the housing project, including land,
10 buildings, improvements, equipment and all ancillary
11 facilities for use for offices, stores, retirement homes,
12 hotels, financial institutions, service, health care,
13 education, recreation or research establishments, or any other
14 commercial purpose which are or are to be related to a housing
15 development.

16 (Source: P.A. 93-205, eff. 1-1-04.)

17 (20 ILCS 3501/845-75)

18 Sec. 845-75. Transfer of functions from previously
19 existing authorities to the Illinois Finance Authority. The
20 Illinois Finance Authority created by the Illinois Finance
21 Authority Act shall succeed to, assume and exercise all rights,
22 powers, duties and responsibilities formerly exercised by the
23 following Authorities and entities (herein called the
24 "Predecessor Authorities") prior to the abolition of the
25 Predecessor Authorities by this Act:

26 The Illinois Development Finance Authority

27 ~~The Illinois Farm Development Authority~~

28 The Illinois Health Facilities Authority

29 The Illinois Educational Facilities Authority

30 The Illinois Community Development Finance Corporation

31 The Illinois Rural Bond Bank

32 The Research Park Authority

33 All books, records, papers, documents and pending business
34 in any way pertaining to the Predecessor Authorities are
35 transferred to the Illinois Finance Authority, but any rights

1 or obligations of any person under any contract made by, or
2 under any rules, regulations, uniform standards, criteria and
3 guidelines established or approved by, such Predecessor
4 Authorities shall be unaffected thereby. All bonds, notes or
5 other evidences of indebtedness outstanding on the effective
6 date of this Act shall be unaffected by the transfer of
7 functions to the Illinois Finance Authority. No rule,
8 regulation, standard, criteria or guideline promulgated,
9 established or approved by the Predecessor Authorities
10 pursuant to an exercise of any right, power, duty or
11 responsibility assumed by and transferred to the Illinois
12 Finance Authority shall be affected by this Act, and all such
13 rules, regulations, standards, criteria and guidelines shall
14 become those of the Illinois Finance Authority until such time
15 as they are amended or repealed by the Illinois Finance
16 Authority.

17 (Source: P.A. 93-205, eff. 1-1-04.)

18 (20 ILCS 3501/845-80)

19 Sec. 845-80. Any reference in statute, in rule, or
20 otherwise to the following entities is a reference to the
21 Illinois Finance Authority created by this Act:

22 The Illinois Development Finance Authority.

23 ~~The Illinois Farm Development Authority.~~

24 The Illinois Health Facilities Authority.

25 The Illinois Research Park Authority.

26 The Illinois Rural Bond Bank.

27 The Illinois Educational Facilities Authority.

28 The Illinois Community Development Finance Corporation.

29 (Source: P.A. 93-205, eff. 1-1-04.)

30 (20 ILCS 3501/845-85)

31 Sec. 845-85. Any reference in statute, in rule, or
32 otherwise to the following Acts is a reference to this Act:

33 The Illinois Development Finance Authority Act.

34 ~~The Illinois Farm Development Act.~~

1 The Illinois Health Facilities Authority Act.
2 The Illinois Research Park Authority Act.
3 The Rural Bond Bank Act.
4 The Illinois Educational Facilities Authority Act.
5 The Illinois Community Development Finance Corporation
6 Act.
7 (Source: P.A. 93-205, eff. 1-1-04.)

8 (20 ILCS 3501/890-90)

9 Sec. 890-90. The following Acts are repealed:

10 The Illinois Development Finance Authority Act.
11 ~~The Illinois Farm Development Act.~~
12 The Illinois Health Facilities Authority Act.
13 The Illinois Research Park Authority Act.
14 The Rural Bond Bank Act.
15 The Illinois Educational Facilities Authority Act.
16 The Illinois Community Development Finance Corporation
17 Act.
18 (Source: P.A. 93-205, eff. 1-1-04.)

19 20 ILCS 3501/Art. 830 rep.

20 Section 15. The Illinois Finance Authority Act is amended
21 by repealing Article 830.

22 Section 20. The Illinois Farm Development Act is amended
23 by changing Sections 12.1, 12.2, 12.4, and 12.5 as follows:

24 (20 ILCS 3605/12.1) (from Ch. 5, par. 1212.1)

25 Sec. 12.1. State Guarantees for existing debt.

26 (a) The Authority is authorized to issue State Guarantees
27 for farmers' existing debts held by a lender. For the purposes
28 of this Section, a farmer shall be a resident of Illinois, who
29 is a principal operator of a farm or land, at least 30% ~~50%~~ of
30 whose annual gross income is derived from farming and whose
31 debt to asset ratio shall not exceed the maximum established by
32 the Authority ~~be less than 40%~~, except in those cases where the

1 applicant has previously used the guarantee program there shall
2 be no debt to asset ratio or income restriction. For the
3 purposes of this Section, debt to asset ratio shall mean the
4 current outstanding liabilities of the farmer divided by the
5 current outstanding assets of the farmer. The Authority shall
6 establish the maximum permissible debt to asset ratio based on
7 criteria established by the Authority.

8 Lenders shall apply for the State Guarantees on forms
9 provided by the Authority and certify that the application and
10 any other documents submitted are true and correct. The lender
11 or borrower, or both in combination, shall pay an
12 administrative fee as determined by the Authority. The
13 applicant shall be responsible for paying any fees or charges
14 involved in recording mortgages, releases, financing
15 statements, insurance for secondary market issues and any other
16 similar fees or charges as the Authority may require. The
17 application shall at a minimum contain the farmer's name,
18 address, present credit and financial information, including
19 cash flow statements, financial statements, balance sheets,
20 and any other information pertinent to the application, and the
21 collateral to be used to secure the State Guarantee. In
22 addition, the lender must agree to bring the farmer's debt to a
23 current status at the time the State Guarantee is provided and
24 must also agree to charge a fixed or adjustable interest rate
25 which the Authority determines to be below the market rate of
26 interest generally available to the borrower. If both the
27 lender and applicant agree, the interest rate on the State
28 Guarantee Loan can be converted to a fixed interest rate at any
29 time during the term of the loan.

30 Any State Guarantees provided under this Section (i) shall
31 not exceed \$1,000,000 ~~\$500,000~~ per farmer, (ii) ~~shall be set up~~
32 ~~on a payment schedule not to exceed 30 years, and~~ shall be no
33 longer than 30 years in duration, and (iii) shall be subject to
34 an annual review and renewal by the lender and the Authority;
35 provided that only one such State Guarantee shall be
36 outstanding per farmer at any one time. No State Guarantee

1 shall be revoked by the Authority without a 90 day notice, in
2 writing, to all parties. ~~In those cases where the borrower has~~
3 ~~not previously used the guarantee program, the lender shall not~~
4 ~~call due any loan during the first 3 years for any reason~~
5 ~~except for lack of performance or insufficient collateral.~~ The
6 lender can review and withdraw or continue with the State
7 Guarantee on an annual basis ~~after the first 3 years of the~~
8 ~~loan~~, provided a 90 day notice, in writing, to all parties has
9 been given.

10 (b) The Authority shall provide or renew a State Guarantee
11 to a lender if:

12 (i) A fee equal to 25 basis points on the loan is paid
13 to the Authority on an annual basis by the lender.

14 (ii) The application provides collateral acceptable to
15 the Authority that is at least equal to the gross loan
16 amount ~~State's portion of the Guarantee to be provided.~~

17 (iii) The lender assumes all responsibility and costs
18 for pursuing legal action on collecting any loan that is
19 delinquent or in default.

20 (iv) The lender is responsible for the first 15% of the
21 outstanding principal of the note for which the State
22 Guarantee has been applied.

23 (c) There is hereby created outside of the State Treasury a
24 special fund to be known as the Illinois Agricultural Loan
25 Guarantee Fund. The State Treasurer shall be custodian of this
26 Fund. Any amounts in the Illinois Agricultural Loan Guarantee
27 Fund not currently needed to meet the obligations of the Fund
28 shall be invested as provided by law, and all interest earned
29 from these investments shall be deposited into the Fund until
30 the Fund reaches the maximum amount authorized in this Act;
31 thereafter, interest earned shall be deposited into the General
32 Revenue Fund. After September 1, 1989, annual investment
33 earnings equal to 1.5% of the Fund shall remain in the Fund to
34 be used for the purposes established in Section 12.3 of this
35 Act.

36 The Authority is authorized to transfer to the Fund such

1 amounts as are necessary to satisfy claims during the duration
2 of the State Guarantee program to secure State Guarantees
3 issued under this Section. If for any reason the General
4 Assembly fails to make an appropriation sufficient to meet
5 these obligations, this Act shall constitute an irrevocable and
6 continuing appropriation of an amount necessary to secure
7 guarantees as defaults occur and the irrevocable and continuing
8 authority for, and direction to, the State Treasurer and the
9 Comptroller to make the necessary transfers to the Illinois
10 Agricultural Loan Guarantee Fund, as directed by the Governor,
11 out of the General Revenue Fund.

12 Within 30 days after November 15, 1985, the Authority may
13 transfer up to \$7,000,000 from available appropriations into
14 the Illinois Agricultural Loan Guarantee Fund for the purposes
15 of this Act. Thereafter, the Authority may transfer additional
16 amounts into the Illinois Agricultural Loan Guarantee Fund to
17 secure guarantees for defaults as defaults occur.

18 In the event of default by the farmer, the lender shall be
19 entitled to, and the Authority shall direct payment on, the
20 State Guarantee after 90 days of delinquency. All payments by
21 the Authority shall be made from the Illinois Agricultural Loan
22 Guarantee Fund to satisfy claims against the State Guarantee.
23 The Illinois Agricultural Loan Guarantee Fund shall guarantee
24 receipt of payment of the 85% of the principal and interest
25 owed on the State Guarantee Loan by the farmer to the guarantee
26 holder.

27 It shall be the responsibility of the lender to proceed
28 with the collecting and disposing of collateral on the State
29 Guarantee within 14 months of the time the State Guarantee is
30 declared delinquent; provided, however, that the lender shall
31 not collect or dispose of collateral on the State Guarantee
32 without the express written prior approval of the Authority. If
33 the lender does not dispose of the collateral within 14 months,
34 the lender shall be liable to repay to the State interest on
35 the State Guarantee equal to the same rate which the lender
36 charges on the State Guarantee; provided, however, that the

1 Authority may extend the 14 month period for a lender in the
2 case of bankruptcy or extenuating circumstances. The Fund shall
3 be reimbursed for any amounts paid under this Section upon
4 liquidation of the collateral. The Authority, by resolution of
5 the Board, may borrow sums from the Fund and provide for
6 repayment as soon as may be practical upon receipt of payments
7 of principal and interest by a farmer. Money may be borrowed
8 from the Fund by the Authority for the sole purpose of paying
9 certain interest costs for farmers associated with selling a
10 loan subject to a State Guarantee in a secondary market as may
11 be deemed reasonable and necessary by the Authority.

12 (d) Notwithstanding the provisions of this Section 12.1
13 with respect to the farmers and lenders who may obtain State
14 Guarantees, the Authority may promulgate rules establishing
15 the eligibility of farmers and lenders to participate in the
16 State guarantee program and the terms, standards, and
17 procedures that will apply, when the Authority finds that
18 emergency conditions in Illinois agriculture have created the
19 need for State Guarantees pursuant to terms, standards, and
20 procedures other than those specified in this Section.

21 (Source: P.A. 90-325, eff. 8-8-97; 91-386, eff. 1-1-00.)

22 (20 ILCS 3605/12.2) (from Ch. 5, par. 1212.2)

23 Sec. 12.2. State Guarantees for loans to farmers and
24 agribusiness; eligibility.

25 (a) The Authority is authorized to issue State Guarantees
26 to lenders for loans to eligible farmers and agribusinesses for
27 purposes set forth in this Section. For purposes of this
28 Section, an eligible farmer shall be a resident of Illinois (i)
29 who is principal operator of a farm or land, at least 30% ~~50%~~
30 of whose annual gross income is derived from farming, and (ii)
31 whose annual total sales of agricultural products,
32 commodities, or livestock exceeds \$20,000, ~~and (iii) whose net~~
33 ~~worth does not exceed \$500,000.~~ An eligible agribusiness shall
34 be that as defined in Section 2 of this Act.

35 The Authority may approve applications by farmers and

1 agribusinesses that promote diversification of the farm
2 economy of this State through the growth and development of new
3 crops or livestock not customarily grown or produced in this
4 State or that emphasize a vertical integration of grain or
5 livestock produced or raised in this State into a finished
6 agricultural product for consumption or use. "New crops or
7 livestock not customarily grown or produced in this State"
8 shall not include corn, soybeans, wheat, swine, or beef or
9 dairy cattle. "Vertical integration of grain or livestock
10 produced or raised in this State" shall include any new or
11 existing grain or livestock grown or produced in this State.

12 Lenders shall apply for the State Guarantees on forms
13 provided by the Authority, certify that the application and any
14 other documents submitted are true and correct, and pay an
15 administrative fee as determined by the Authority. The
16 applicant shall be responsible for paying any fees or charges
17 involved in recording mortgages, releases, financing
18 statements, insurance for secondary market issues and any other
19 similar fees or charges as the Authority may require. The
20 application shall at a minimum contain the farmer's or
21 agribusiness' name, address, present credit and financial
22 information, including cash flow statements, financial
23 statements, balance sheets, and any other information
24 pertinent to the application, and the collateral to be used to
25 secure the State Guarantee. In addition, the lender must agree
26 to charge an interest rate, which may vary, on the loan that
27 the Authority determines to be below the market rate of
28 interest generally available to the borrower. If both the
29 lender and applicant agree, the interest rate on the State
30 Guarantee Loan can be converted to a fixed interest rate at any
31 time during the term of the loan.

32 Any State Guarantees provided under this Section (i) shall
33 not exceed ~~\$500,000 per farmer or~~ an amount as determined by
34 the Authority on a case-by-case basis ~~for an agribusiness~~, (ii)
35 shall not exceed a term of 30 ~~15~~ years, and (iii) shall be
36 subject to an annual review and renewal by the lender and the

1 Authority; provided that only one such State Guarantee shall be
2 made per farmer or agribusiness, except that additional State
3 Guarantees may be made for purposes of expansion of projects
4 financed in part by a previously issued State Guarantee. No
5 State Guarantee shall be revoked by the Authority without a 90
6 day notice, in writing, to all parties. The lender shall not
7 call due any loan for any reason except for lack of
8 performance, insufficient collateral, or maturity. A lender
9 may review and withdraw or continue with a State Guarantee on
10 an annual basis ~~after the first 5 years following closing of~~
11 ~~the loan application if the loan contract provides for an~~
12 ~~interest rate that shall not vary. A lender shall not withdraw~~
13 ~~a State Guarantee if the loan contract provides for an interest~~
14 ~~rate that may vary, except for reasons set forth herein.~~

15 (b) The Authority shall provide or renew a State Guarantee
16 to a lender if:

17 i. A fee equal to 25 basis points on the loan is paid
18 to the Authority on an annual basis by the lender.

19 ii. The application provides collateral acceptable to
20 the Authority that is at least equal to the gross loan
21 amount ~~State's portion of the Guarantee to be provided.~~

22 iii. The lender assumes all responsibility and costs
23 for pursuing legal action on collecting any loan that is
24 delinquent or in default.

25 iv. The lender is responsible for the first 15% of the
26 outstanding principal of the note for which the State
27 Guarantee has been applied.

28 (c) There is hereby created outside of the State Treasury a
29 special fund to be known as the Illinois Farmer and
30 Agribusiness Loan Guarantee Fund. The State Treasurer shall be
31 custodian of this Fund. Any amounts in the Fund not currently
32 needed to meet the obligations of the Fund shall be invested as
33 provided by law, and all interest earned from these investments
34 shall be deposited into the Fund until the Fund reaches the
35 maximum amounts authorized in this Act; thereafter, interest
36 earned shall be deposited into the General Revenue Fund. After

1 September 1, 1989, annual investment earnings equal to 1.5% of
2 the Fund shall remain in the Fund to be used for the purposes
3 established in Section 12.3 of this Act.

4 The Authority is authorized to transfer such amounts as are
5 necessary to satisfy claims from available appropriations and
6 from fund balances of the Farm Emergency Assistance Fund as of
7 June 30 of each year to the Illinois Farmer and Agribusiness
8 Loan Guarantee Fund to secure State Guarantees issued under
9 this Section and Sections 12.4 and 12.5. If for any reason the
10 General Assembly fails to make an appropriation sufficient to
11 meet these obligations, this Act shall constitute an
12 irrevocable and continuing appropriation of an amount
13 necessary to secure guarantees as defaults occur and the
14 irrevocable and continuing authority for, and direction to, the
15 State Treasurer and the Comptroller to make the necessary
16 transfers to the Illinois Farmer and Agribusiness Loan
17 Guarantee Fund, as directed by the Governor, out of the General
18 Revenue Fund.

19 In the event of default by the borrower on State Guarantee
20 Loans under this Section, Section 12.4, or Section 12.5, the
21 lender shall be entitled to, and the Authority shall direct
22 payment on, the State Guarantee after 90 days of delinquency.
23 All payments by the Authority shall be made from the Illinois
24 Farmer and Agribusiness Loan Guarantee Fund to satisfy claims
25 against the State Guarantee.

26 It shall be the responsibility of the lender to proceed
27 with the collecting and disposing of collateral on the State
28 Guarantee under this Section, Section 12.4, or Section 12.5
29 within 14 months of the time the State Guarantee is declared
30 delinquent. If the lender does not dispose of the collateral
31 within 14 months, the lender shall be liable to repay to the
32 State interest on the State Guarantee equal to the same rate
33 that the lender charges on the State Guarantee, provided that
34 the Authority shall have the authority to extend the 14 month
35 period for a lender in the case of bankruptcy or extenuating
36 circumstances. The Fund shall be reimbursed for any amounts

1 paid under this Section, Section 12.4, or Section 12.5 upon
2 liquidation of the collateral.

3 The Authority, by resolution of the Board, may borrow sums
4 from the Fund and provide for repayment as soon as may be
5 practical upon receipt of payments of principal and interest by
6 a borrower on State Guarantee Loans under this Section, Section
7 12.4, or Section 12.5. Money may be borrowed from the Fund by
8 the Authority for the sole purpose of paying certain interest
9 costs for borrowers associated with selling a loan subject to a
10 State Guarantee under this Section, Section 12.4, or Section
11 12.5 in a secondary market as may be deemed reasonable and
12 necessary by the Authority.

13 (d) Notwithstanding the provisions of this Section 12.2
14 with respect to the farmers, agribusinesses, and lenders who
15 may obtain State Guarantees, the Authority may promulgate rules
16 establishing the eligibility of farmers, agribusinesses, and
17 lenders to participate in the State Guarantee program and the
18 terms, standards, and procedures that will apply, when the
19 Authority finds that emergency conditions in Illinois
20 agriculture have created the need for State Guarantees pursuant
21 to terms, standards, and procedures other than those specified
22 in this Section.

23 (Source: P.A. 90-325, eff. 8-8-97; 91-386, eff. 1-1-00.)

24 (20 ILCS 3605/12.4) (from Ch. 5, par. 1212.4)

25 Sec. 12.4. Illinois ~~Young~~ Farmer Loan Guarantee Program.

26 (a) The Authority is authorized to issue State Guarantees
27 to lenders for loans to finance or refinance debts of ~~young~~
28 farmers. For the purposes of this Section, a ~~young~~ farmer is a
29 resident of Illinois who is at least 18 years of age and who is
30 a principal operator of a farm or land, who derives at least
31 30% ~~50%~~ of annual gross income from farming, whose net worth is
32 not less than \$10,000 and whose debt to asset ratio does not
33 exceed the maximum limit established by the Authority ~~is not~~
34 ~~less than 40%~~. For the purposes of this Section, debt to asset
35 ratio means current outstanding liabilities, including any

1 debt to be financed or refinanced under this Section, divided
2 by current outstanding assets. The Authority shall establish
3 the maximum permissible debt to asset ratio based on criteria
4 established by the Authority.

5 Lenders shall apply for the State Guarantees on forms
6 provided by the Authority and certify that the application and
7 any other documents submitted are true and correct. The lender
8 or borrower, or both in combination, shall pay an
9 administrative fee as determined by the Authority. The
10 applicant shall be responsible for paying any fee or charge
11 involved in recording mortgages, releases, financing
12 statements, insurance for secondary market issues, and any
13 other similar fee or charge that the Authority may require. The
14 application shall at a minimum contain the ~~young~~ farmer's name,
15 address, present credit and financial information, including
16 cash flow statements, financial statements, balance sheets,
17 and any other information pertinent to the application, and the
18 collateral to be used to secure the State Guarantee. In
19 addition, the borrower must certify to the Authority that, at
20 the time the State Guarantee is provided, the borrower will not
21 be delinquent in the repayment of any debt. The lender must
22 agree to charge a fixed or adjustable interest rate that the
23 Authority determines to be below the market rate of interest
24 generally available to the borrower. If both the lender and
25 applicant agree, the interest rate on the State guaranteed loan
26 can be converted to a fixed interest rate at any time during
27 the term of the loan.

28 State Guarantees provided under this Section (i) shall not
29 exceed \$1,000,000 ~~\$500,000~~ per ~~young~~ farmer, (ii) ~~shall be set~~
30 ~~up on a payment schedule not to exceed 30 years, but~~ shall be
31 no longer than 30 ~~15~~ years in duration, and (iii) shall be
32 subject to an annual review and renewal by the lender and the
33 Authority. A ~~young~~ farmer may use this program more than once
34 ~~provided the aggregate principal amount of State Guarantees~~
35 ~~under this Section to that young farmer does not exceed~~
36 ~~\$500,000~~. No State Guarantee shall be revoked by the Authority

1 without a 90 day notice, in writing, to all parties.

2 (b) The Authority shall provide or renew a State Guarantee
3 to a lender if:

4 (i) The lender pays a fee equal to 25 basis points on
5 the loan to the Authority on an annual basis.

6 (ii) The application provides collateral acceptable to
7 the Authority that is at least equal to the gross loan
8 amount ~~State Guarantee~~.

9 (iii) The lender assumes all responsibility and costs
10 for pursuing legal action on collecting any loan that is
11 delinquent or in default.

12 (iv) The lender is at risk for the first 15% of the
13 outstanding principal of the note for which the State
14 Guarantee is provided.

15 (c) The Illinois Farmer and Agribusiness Loan Guarantee
16 Fund may be used to secure State Guarantees issued under this
17 Section as provided in Section 12.2.

18 (d) Notwithstanding the provisions of this Section 12.4
19 with respect to the ~~young~~ farmers and lenders who may obtain
20 State Guarantees, the Authority may promulgate rules
21 establishing the eligibility of ~~young~~ farmers and lenders to
22 participate in the State Guarantee program and the terms,
23 standards, and procedures that will apply, when the Authority
24 finds that emergency conditions in Illinois agriculture have
25 created the need for State Guarantees pursuant to terms,
26 standards, and procedures other than those specified in this
27 Section.

28 (Source: P.A. 90-325, eff. 8-8-97; 91-386, eff. 1-1-00.)

29 (20 ILCS 3605/12.5)

30 Sec. 12.5. Specialized Livestock Guarantee Program.

31 (a) The Authority is authorized to issue State Guarantees
32 to lenders for loans to finance or refinance debts for
33 specialized livestock operations that are or will be located in
34 Illinois. For purposes of this Section, a "specialized
35 livestock operation" includes, but is not limited to, dairy,

1 beef, and swine enterprises.

2 (b) Lenders shall apply for the State Guarantees on forms
3 provided by the Authority and certify that the application and
4 any other documents submitted are true and correct. The lender
5 or borrower, or both in combination, shall pay an
6 administrative fee as determined by the Authority. The
7 applicant shall be responsible for paying any fee or charge
8 involved in recording mortgages, releases, financing
9 statements, insurance for secondary market issues, and any
10 other similar fee or charge that the Authority may require. The
11 application shall, at a minimum, contain the farmer's name,
12 address, present credit and financial information, including
13 cash flow statements, financial statements, balance sheets,
14 and any other information pertinent to the application, and the
15 collateral to be used to secure the State Guarantee. In
16 addition, the borrower must certify to the Authority that, at
17 the time the State Guarantee is provided, the borrower will not
18 be delinquent in the repayment of any debt. The lender must
19 agree to charge a fixed or adjustable interest rate that the
20 Authority determines to be below the market rate of interest
21 generally available to the borrower. If both the lender and
22 applicant agree, the interest rate on the State guaranteed loan
23 can be converted to a fixed interest rate at any time during
24 the term of the loan.

25 (c) State Guarantees provided under this Section (i) shall
26 not exceed \$1,000,000 per applicant, (ii) shall be no longer
27 than 30 ~~15~~ years in duration, and (iii) shall be subject to an
28 annual review and renewal by the lender and the Authority. An
29 applicant may use this program more than once, ~~provided that~~
30 ~~the aggregate principal amount of State Guarantees under this~~
31 ~~Section to that applicant does not exceed \$1,000,000.~~ A State
32 Guarantee shall not be revoked by the Authority without a
33 90-day notice, in writing, to all parties.

34 (d) The Authority shall provide or renew a State Guarantee
35 to a lender if:

36 (i) The lender pays a fee equal to 25 basis points on

1 the loan to the Authority on an annual basis.

2 (ii) The application provides collateral acceptable to
3 the Authority that is at least equal to the gross loan
4 amount ~~State Guarantee~~.

5 (iii) The lender assumes all responsibility and costs
6 for pursuing legal action on collecting any loan that is
7 delinquent or in default.

8 (iv) The lender is at risk for the first 15% of the
9 outstanding principal of the note for which the State
10 Guarantee is provided.

11 (e) The Illinois Farmer and Agribusiness Loan Guarantee
12 Fund may be used to secure State Guarantees issued under this
13 Section as provided in Section 12.2.

14 (f) Notwithstanding the provisions of this Section 12.5
15 with respect to the specialized livestock operations and
16 lenders who may obtain State Guarantees, the Authority may
17 promulgate rules establishing the eligibility of specialized
18 livestock operations and lenders to participate in the State
19 Guarantee program and the terms, standards, and procedures that
20 will apply, when the Authority finds that emergency conditions
21 in Illinois agriculture have created the need for State
22 Guarantees pursuant to terms, standards, and procedures other
23 than those specified in this Section.

24 (Source: P.A. 91-386, eff. 1-1-00.)

25 Section 25. The Emergency Farm Credit Allocation Act is
26 amended by changing Sections 3 and 4 as follows:

27 (20 ILCS 3610/3) (from Ch. 5, par. 1253)

28 Sec. 3. As used in this Act unless the context otherwise
29 requires:

30 (a) "Applicant" means an Illinois farmer applying for an
31 operating loan.

32 (b) "Operating loan" means a loan to an applicant in
33 connection with cultivating the soil, or in connection with
34 raising or harvesting any agricultural or horticultural

1 commodity, including the raising, feeding and management of
2 livestock or poultry on a farm of which the applicant is the
3 owner, tenant, or operator, for the current year's operating
4 expenses.

5 (c) "Lender" means any federal or State chartered bank,
6 federal land bank, production credit association, bank for
7 cooperatives, federal or State chartered savings and loan
8 association or building and loan association, business
9 investment company or any other institution qualified within
10 this State to originate and service loans, including, but
11 without limitation to, insurance companies, credit unions and
12 mortgage loan companies.

13 (d) "Payment adjustment" means an amount of money equal to
14 one-half of the total interest payable on the principal of the
15 operating loan.

16 (e) "Authority" means the Illinois Farm Development
17 ~~Finance~~ Authority.

18 (f) "Asset" shall include, but not be limited to the
19 following: cash crops or feed on hand; livestock held for sale;
20 breeding stock; marketable bonds and securities; securities
21 not readily marketable; accounts receivable; notes receivable;
22 cash invested in growing crops; net cash value of life
23 insurance; machinery and equipment; cars and trucks; farm and
24 other real estate including life estates and personal
25 residence; value of beneficial interests in trusts; government
26 payments or grants; and any other assets.

27 (g) "Liability" shall include, but not be limited to the
28 following: accounts payable; notes or other indebtedness owed
29 to any source; taxes; rent; amounts owed on real estate
30 contracts or real estate mortgages; judgments; accrued
31 interest payable; and any other liability.

32 (h) "Debt to asset ratio" means the current outstanding
33 liabilities of the farmer divided by the current outstanding
34 assets of the farmer.

35 (Source: P.A. 93-205, eff. 1-1-04.)

1 (20 ILCS 3610/4) (from Ch. 5, par. 1254)

2 Sec. 4. There is hereby created a payment adjustment
3 program to be administered by the Illinois Farm Development
4 ~~Finance~~ Authority. The Authority shall have the authority to
5 promulgate and adopt rules and regulations which are consistent
6 with this Act. The Authority may impose a minimal fee to cover
7 the costs of administering the program. On or before May 1 of
8 each of the next six years, or until all repayments have been
9 received on payment adjustments, the Authority shall submit a
10 report to the General Assembly and the Governor concerning the
11 status of the payment adjustment program. The Authority shall
12 grant no payment adjustments after June 15, 1986.

13 (Source: P.A. 93-205, eff. 1-1-04.)

14 Section 30. The Build Illinois Act is amended by changing
15 Section 8-3 as follows:

16 (30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

17 Sec. 8-3. Powers of the Department. The Department has the
18 power to:

19 (a) provide business development public infrastructure
20 loans or grants from appropriations from the Build Illinois
21 Bond Fund, the Build Illinois Purposes Fund, the Fund for
22 Illinois' Future, and the Public Infrastructure Construction
23 Loan Fund to local governments to provide or improve a
24 community's public infrastructure so as to create or retain
25 private sector jobs pursuant to the provisions of this Article;

26 (b) provide affordable financing of public infrastructure
27 loans and grants to, or on behalf of, local governments, local
28 public entities, medical facilities, and public health clinics
29 from appropriations from the Public Infrastructure
30 Construction Loan Fund for the purpose of assisting with the
31 financing, or application and access to financing, of a
32 community's public infrastructure necessary to health, safety,
33 and economic development;

34 (c) enter into agreements, accept funds or grants, and

1 engage in cooperation with agencies of the federal government,
2 or state or local governments to carry out the purposes of this
3 Article, and to use funds appropriated pursuant to this Article
4 to participate in federal infrastructure loan and grant
5 programs upon such terms and conditions as may be established
6 by the federal government;

7 (d) establish application, notification, contract, and
8 other procedures, rules, or regulations deemed necessary and
9 appropriate to carry out the provisions of this Article;

10 (e) coordinate assistance under this program with
11 activities of the Illinois Finance Authority in order to
12 maximize the effectiveness and efficiency of State development
13 programs;

14 (f) coordinate assistance under the Affordable Financing
15 of Public Infrastructure Loan and Grant Program with the
16 activities of the Illinois Finance Authority, ~~Illinois Finance~~
17 ~~Authority,~~ Illinois Farm Development Finance Authority,
18 Illinois Housing Development Authority, Illinois Environmental
19 Protection Agency, and other federal and State programs and
20 entities providing financing assistance to communities for
21 public health, safety, and economic development
22 infrastructure;

23 (f-5) provide staff, administration, and related support
24 required to manage the programs authorized under this Article
25 and pay for the staffing, administration, and related support
26 from the Public Infrastructure Construction Loan Revolving
27 Fund;

28 (g) exercise such other powers as are necessary or
29 incidental to the foregoing.

30 (Source: P.A. 93-205 (Sections 890-10, 890-34, and 890-43),
31 eff. 1-1-04; revised 10-3-03.)

32 Section 35. The Livestock Management Facilities Act is
33 amended by changing Section 17 as follows:

34 (510 ILCS 77/17)

1 Sec. 17. Financial responsibility. Owners of new or
2 modified lagoons registered under the provisions of this Act
3 shall establish and maintain evidence of financial
4 responsibility to provide for the closure of the lagoons and
5 the proper disposal of their contents within the time
6 provisions outlined in this Act. Financial responsibility may
7 be evidenced by any combination of the following:

8 (1) Commercial or private insurance;

9 (2) Guarantee;

10 (3) Surety bond;

11 (4) Letter of credit;

12 (5) Certificate of Deposit or designated savings
13 account;

14 (6) Participation in a livestock waste lagoon closure
15 fund managed by the Illinois Farm Development Finance
16 Authority.

17 The level of surety required shall be determined by rule
18 and be based upon the volumetric capacity of the lagoon. Surety
19 instruments required under this Section shall be required after
20 the effective date of rules adopted for the implementation of
21 this Act.

22 (Source: P.A. 93-205, eff. 1-1-04.)

23 Section 40. The Illinois Forestry Development Act is
24 amended by changing Section 4 and 6a as follows:

25 (525 ILCS 15/4) (from Ch. 96 1/2, par. 9104)

26 Sec. 4. The Department shall:

27 (a) Implement the forestry development cost share program
28 created by Section 5 of this Act and coordinate with the United
29 States Department of Agriculture - Soil Conservation Service
30 and the Agricultural Stabilization and Conservation Service in
31 the administration of such program.

32 (b) Approve acceptable forestry management plans as
33 required by Section 5 of this Act.

34 (c) Provide assistance to the Illinois Council on Forestry

1 Development.

2 (d) Promote the development of an active forestry industry
3 in this State by providing information to timber growers
4 relating to acceptable management practices, suitability of
5 various kinds of timber to various land types, marketability of
6 various types of timber, market strategies including marketing
7 cooperatives, availability of State and federal government
8 assistance, soil and water conservation benefits, and wildlife
9 habitat enhancement opportunities.

10 (e) Provide any aid or information requested by the
11 Illinois Farm Development Finance Authority in relation to
12 forestry industry assistance programs implemented under the
13 Illinois Farm Development Finance Authority Act.

14 (Source: P.A. 93-205, eff. 1-1-04.)

15 (525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)

16 (Section scheduled to be repealed on December 31, 2008)

17 Sec. 6a. Illinois Forestry Development Council.

18 (a) The Illinois Forestry Development Council is hereby
19 re-created by this amendatory Act of the 91st General Assembly.

20 (b) The Council shall consist of 24 members appointed as
21 follows:

22 (1) four members of the General Assembly, one appointed
23 by the President of the Senate, one appointed by the Senate
24 Minority Leader, one appointed by the Speaker of the House
25 of Representatives, and one appointed by the House Minority
26 Leader;

27 (2) one member appointed by the Governor to represent
28 the Governor;

29 (3) the Directors of the Departments of Natural
30 Resources, Agriculture, and Commerce and Economic
31 Opportunity ~~Community Affairs~~, the Executive Director of
32 the Illinois Farm Development Finance Authority, and the
33 Director of the Office of Rural Affairs, or their
34 designees;

35 (4) the chairman of the Department of Forestry or a

1 forestry academician, appointed by the Dean of Agriculture
2 at Southern Illinois University at Carbondale;

3 (5) the head of the Department of Natural Resources and
4 Environmental Sciences or a forestry academician,
5 appointed by the Dean of Agriculture at the University of
6 Illinois;

7 (6) two members, appointed by the Governor, who shall
8 be private timber growers;

9 (7) one member, appointed by the president of the
10 Illinois Wood Products Association, who shall be involved
11 in primary forestry industry;

12 (8) one member, appointed by the president of the
13 Illinois Wood Products Association, who shall be involved
14 in secondary forestry industry;

15 (9) one member who is actively involved in
16 environmental issues, appointed by the Governor;

17 (10) the president of the Association of Illinois Soil
18 and Water Conservation Districts;

19 (11) two persons who are actively engaged in farming,
20 appointed by the Governor;

21 (12) one member, appointed by the Governor, whose
22 primary area of expertise is urban forestry;

23 (13) one member appointed by the President of the
24 Illinois Arborists Association;

25 (14) the Supervisor of the Shawnee National Forest and
26 the United States Department of Agriculture Natural
27 Resource Conservation Service's State Conservationist, ex
28 officio, or their designees.

29 (c) Members of the Council shall serve without compensation
30 but shall be reimbursed for actual expenses incurred in the
31 performance of their duties which are not otherwise reimbursed.

32 (d) The Council shall select from its membership a
33 chairperson and such other officers as it considers necessary.

34 (e) Other individuals, agencies and organizations may be
35 invited to participate as deemed advisable by the Council.

36 (f) The Council shall study and evaluate the forestry

1 resources and forestry industry of Illinois. The Council shall:

2 (1) determine the magnitude, nature and extent of the
3 State's forestry resources;

4 (2) determine current uses and project future demand
5 for forest products, services and benefits in Illinois;

6 (3) determine and evaluate the ownership
7 characteristics of the State's forests, the motives for
8 forest ownership and the success of incentives necessary to
9 stimulate development of forest resources;

10 (4) determine the economic development and management
11 opportunities that could result from improvements in local
12 and regional forest product marketing and from the
13 establishment of new or additional wood-related businesses
14 in Illinois;

15 (5) confer with and offer assistance to the Illinois
16 Farm Development Finance Authority relating to its
17 implementation of forest industry assistance programs
18 authorized by the Illinois Farm Development Finance
19 Authority Act;

20 (6) determine the opportunities for increasing
21 employment and economic growth through development of
22 forest resources;

23 (7) determine the effect of current governmental
24 policies and regulations on the management of woodlands and
25 the location of wood products markets;

26 (8) determine the staffing and funding needs for
27 forestry and other conservation programs to support and
28 enhance forest resources development;

29 (9) determine the needs of forestry education programs
30 in this State;

31 (10) confer with and offer assistance to the Department
32 of Natural Resources relating to the implementation of
33 urban forestry assistance grants pursuant to the Urban and
34 Community Forestry Assistance Act; and

35 (11) determine soil and water conservation benefits
36 and wildlife habitat enhancement opportunities that can be

1 promoted through approved forestry management plans.

2 (g) The Council shall report (i) its findings and
3 recommendations for future State action and (ii) its evaluation
4 of Urban/Community Forestry Assistance Grants to the General
5 Assembly no later than July 1 of each year.

6 (h) This Section 6a is repealed December 31, 2008.

7 (Source: P.A. 93-205, eff. 1-1-04; revised 12-6-03.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.